

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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GEICO INDEMNITY COMPANY,

Plaintiff-Counter Defendant-  
Appellee,

v

BELINDA GOLDSTEIN,

Defendant-Counter Plaintiff/Third-  
Party-Appellee,

and

DANIEL LEON,

Defendant-Counter Plaintiff-  
Appellee,

and

FARMERS INSURANCE EXCHANGE,

Third-Party Defendant-Appellant.

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UNPUBLISHED  
January 20, 2011

No. 288418  
Oakland Circuit Court  
LC No. 2006-073586-NF

ON REMAND

Before: WILDER, P.J., and O'CONNELL and TALBOT, JJ.

PER CURIAM.

These appeals come to us on remand from our Supreme Court for reconsideration in light of the following order:

. . . in lieu of granting leave to appeal, we VACATE part III (B) of the Court of Appeals opinion and REMAND this case to the Court of Appeals for consideration of the issue whether, because the titled owner of the vehicle involved in the accident maintained an automobile insurance policy on the vehicle issued by plaintiff Geico, and Geico, in turn, filed the written certification with

the State of Michigan required under MCL 500.3163(1), the resulting no-fault coverage satisfied the condition for eligibility for personal protection insurance benefits specified by MCL 500.3113(b), even if defendant Goldstein was an 'owner' of the vehicle within the meaning of MCL 500.3101(h)(i), thereby obviating any need for the further proceedings ordered by the Court of Appeals.

After careful review of our opinion [unpublished opinion per curiam of the Court of Appeals, issued January 19, 2010, Docket No. 288418], we agree with the Supreme Court's suggestion that Goldstein's status as an "owner" of the vehicle under MCL 500.3101(h)(1) is immaterial. If she was an "owner" and was required to register the vehicle, the security required by MCL 500.3101 was in effect by virtue of Horwitz's policy with Geico. Thus, MCL 500.3113(b) would not bar her recovery. If she was not an "owner" or if she was an "owner" but was not required to register the vehicle, no security would be required *by section 500.3101* and accordingly, section 500.3113(b) would not bar her recovery. Thus, as we found in our opinion, "Geico is subject to the Michigan personal and property insurance system, the Acclaim was insured under a Geico policy, [] the owner of the Acclaim was an out-of-state resident, [and therefore] MCL 500.3163 requires Geico to provide no-fault benefits in this case."

We VACATE part III (B) of our prior opinion and adopt and reaffirm the balance of the opinion.

/s/ Kurtis T. Wilder  
/s/ Peter D. O'Connell  
/s/ Michael J. Talbot